DEPARTMENT OF COMMERCE

Foreign–Trade Zones Board

[Docket 20–2006]

Foreign–Trade Zone 37 - Orange County, New York, Application for Subzone, Schott Lithotec USA, Corp. (Photomask Blanks), Poughkeepsie, New York

An application has been submitted to the Foreign–Trade Zones Board (the Board) by the County of Orange, grantee of FTZ 37, requesting special–purpose subzone status for the manufacturing and warehousing facilities of Schott Lithotec USA, Corp (Schott), located in Poughkeepsie, New York. The application was submitted pursuant to the provisions of the Foreign–Trade Zones Act, as amended (19 U.S.C. 81a–81u), and the regulations of the Board (15 CFR part 400). It was formally filed on May 24, 2006.

The Schott facilities (80 employees) consist of two sites on 3.5 acres in Poughkeepsie, New York: Site 1 (3.3 acres) is located at 2323 South Road; and Site 2 (6,875 square feet) is located at 641 Sheafe Road. The facilities are used for the manufacturing and warehousing of photomask blanks. Components and materials sourced from abroad, representing some 95% of all parts consumed in manufacturing, include: organic surface active agents, sensitizing emulsions, chemical preparations for photographic uses, glass substrates, and sputtering targets (duty rates range from duty–free to 6.5%).

FTZ procedures would exempt Schott from customs duty payments on the foreign components used in export production. Some 34 percent of the plant's shipments are exported. On its domestic sales, Schott would be able to choose the duty rates during Customs entry procedures that apply to photomask blanks (3.7%) for the foreign inputs noted above. The request indicates that the savings from FTZ procedures would help improve the plant's international competitiveness.

In accordance with the Board's regulations, a member of the FTZ staff has been appointed examiner to investigate the application and report to the Board.

Public comment is invited from interested parties. Submissions (original and 3 copies) shall be addressed to the Board's Executive Secretary at the address below. The closing period for their receipt is August 4, 2006. Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to August 21, 2006.

A copy of the application and accompanying exhibits will be available for public inspection at each of the following locations:
U.S. Department of Commerce Export Assistance Center, 20 Exchange Plaza, 20th Floor New York, NY 10005.
Office of the Executive Secretary, Foreign–Trade Zones Board, U.S. Department of Commerce, Room 1115, 1401 Constitution Ave. NW., Washington, DC 20230.

Dated: May 24, 2006.

Dennis Puccinelli,

Executive Secretary.

[FR Doc. E6–8683 Filed 6–2–06; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–812]

Dynamic Random Access Memory Semiconductors of One Megabit or Above From the Republic of Korea; Notice of Court Decision Not in Harmony with Final Results of Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On April 5, 2006, the United States Court of International Trade (the Court) sustained the final remand redetermination made by the Department of Commerce (the Department) pursuant to the Court's remand of the final results of the 1997–1998 administrative review of dynamic random access memory semiconductors of one megabit or above from the Republic of Korea. *See Hyundai Electronics Industries Co., Ltd. and Hyundai Electronics America, Inc., v. United States and Micron Technology, Inc.,* Court No. 00–01–00027, Slip Op. 06–46 (CIT 2006) (Hyundai IV). This case arises out of the Department's *Dynamic Random Access Memory Semiconductors (DRAMS) of One Megabit or Above From the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Determination Not to Revoke the Order in Part*, 64 FR 69694 (December 14, 1999) (*Final Results*). The final judgment in this case was not in harmony with the Department's December 1999 *Final Results*.

EFFECTIVE DATE: June 5, 2006.

FOR FURTHER INFORMATION CONTACT: Ron Trentham or Tom Futtner, AD/CVD Operations, Office 4, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–6320 or 482–3814, respectively.

SUPPLEMENTARY INFORMATION: On April 16, 2004, the Court remanded the Department's *Final Results*, in *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 342 F. Supp. 2d 1141 (CIT 2004). In its remand, the Court ordered the Department to: (1) Recalculate LG Semicon's (LG's) dumping margin by application of adverse facts available (AFA) to only a portion of its U.S. sales; (2) provide additional information regarding the effect of non–subject merchandise research and development (R&D) on R&D for subject merchandise, or recalculate R&D costs on the most product–specific basis possible; (3) provide specific evidence showing how Hyundai Electronics Industries Co., Ltd. (Hyundai) and LG's actual R&D expenses for the review period are not reasonably accounted for in their amortized R&D costs, or accept their amortization of R&D expenses and; (4) provide additional information showing how R&D expenses that are currently deferred by Hyundai and LG affect production or revenue for the instant review period, or accept their deferral methodology.

In *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 395 F. Supp. 2d 1231 (CIT 2005) the Court sustained the Department's partial AFA rate for LG and its use of amortized R&D expenses for calculating Hyundai's and LG's respective costs of production. The Court remanded the Department's cross–fertilization determination with instructions to recalculate Hyundai's and LG's R&D expenses without application of the cross–fertilization theory, and also remanded the Department's recognition of all of Hyundai's and LG's 1997 R&D expenses for antidumping duty purposes with instructions to accept Hyundai's and LG's deferral methodology in calculating R&D expenses for their respective costs of production.

In *Hyundai Electronics Industries, Co., Ltd., and Hyundai Electronics America Inc. v. United States and Micron Technology, Inc.*, 414 F. Supp. 2d 1289 (CIT 2006) (*Hyundai III*), the Court ordered that the Department's original findings rejecting LG's and Hyundai's cost amortization methodology, as stated in the *Final*